

William J. O'Shaughnessy  
Jonathan M. H. Short  
Mark H. Anania  
MCCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
Phone: (973) 622-4444  
Facsimile: (973) 624-7070

Of Counsel  
Robert L. Baechtold  
Nicholas N. Kallas  
Diego Scambia  
Christopher E. Loh  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Phone: (212) 218-2100  
Facsimile: (212) 218-2200

*Attorneys for Plaintiff*  
*Novartis Pharmaceuticals Corporation*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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NOVARTIS PHARMACEUTICALS	)	
CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>Civil Action No. 2:08-cv-5042-PGS-ES</b>
	)	
MYLAN PHARMACEUTICALS INC. and	)	
MYLAN INC.,	)	<b>Motion Date: To Be Determined By the</b>
	)	<b>Court</b>
Defendants.	)	
	)	

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**NOTICE OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT  
OF NO PROSECUTION LACHES AND NO PATENT MISUSE**

To: All Counsel

**PLEASE TAKE NOTICE** that Plaintiff Novartis Pharmaceuticals Corporation (“Novartis”) will move at the Clarkson S. Fisher Federal Building and United States Courthouse, 402 East State Street, Trenton, New Jersey 08608 on such date as to be determined by the court at 9:00 a.m. before United States District Court Judge Peter G. Sheridan for the entry of an order

granting Novartis's motion for summary judgment of no prosecution laches and no patent misuse.

**PLEASE TAKE NOTICE** that Novartis relies upon the accompanying memorandum of law, statement of undisputed facts, declaration and exhibits submitted in support of this motion. A proposed order granting Novartis's motion is attached.

Respectfully submitted,

Dated: August 25, 2010

s/ William J. O'Shaughnessy

William J. O'Shaughnessy  
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1290 Avenue of the Americas  
New York, NY 10104-3800  
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Attorneys for Plaintiff  
Novartis Pharmaceuticals Corporation

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true copies of (1) Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment of No Prosecution Laches and No Patent Misuse, (2) Notice of Plaintiff's Motion for Summary Judgment of No Prosecution Laches and No Patent Misuse, (3) Statement of Undisputed Material Facts In Support of Plaintiff's Motion for Summary Judgment of No Prosecution Laches and No Patent Misuse, (4) Declaration of Cheney H. Huang, (5) Declaration of Margaret A. Hallet, and (6) Proposed Order were caused to be served this 25<sup>th</sup> day of August 2010 upon the following in the manner indicated:

**Via ECF, Email and Overnight Mail**

Arnold B. Calmann  
Geri L. Albin  
SAIBER LLC  
One Gateway Center  
Newark, New Jersey 07102  
Phone: (973) 622-3333  
Facsimile: (973) 622-3349

Ron E. Shulman  
Terry Kearney  
Richard G. Frenkel  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
Page Mill Road  
Palo Alto, California 94304  
Phone: (650) 493-9000  
Facsimile: (650) 493-6811

Roger J. Chin  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
One Market Street  
Spear Tower, Suite 3300  
San Francisco, California 94105  
Phone: (415) 947-2000  
Facsimile: (415) 947-2099

s/ William J. O'Shaughnessy  
William J. O'Shaughnessy